



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 18, 1998

Mr. Michael Bostic
Assistant City Attorney
Office of City Attorney
City Hall
Dallas, Texas 75201

OR98-2250

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119020.

The Dallas Police Department (the "department") received a request for the complete investigation records of the murder of Mr. Santos Rodriguez. You indicate that two types of information are responsive to the request: murder investigation records, and certain juvenile records concerning an August 27, 1972 incident. You initially argued that both sets of documents were excepted from required public disclosure. You have subsequently informed this office that the department no longer asserts an exception to disclosure for the murder investigation records. Thus, these records must be released. You claim, however, that the juvenile incident records must be withheld under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

You contend that the requested records include information that must be withheld because they involve juvenile conduct that occurred before January 1, 1996. Section 51.14(d) of the Family Code was repealed by the Seventy-fourth Legislature. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. Currently, section 58.007 of the Family Code provides that law enforcement records concerning a child must not be publicly disclosed. Family Code § 58.007(c). However, the most current bill which amended section 58.007(c) provides that "[c]onduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose." Act of June 2, 1997, 75th Leg., R.S., ch. 1086, § 53(b), 1997 Tex. Gen. Laws 4179, 4199.

It appears and you represent that, at the time the conduct occurred here, the applicable law in effect was former Family Code section 51.14 which provides, in pertinent part:

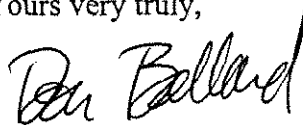
(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for

which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. In Open Records Decision No. 181 at 2 (1977), this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 at 4-5 (1983) (applying former Fam. Code § 51.14(d) to "police blotter" and related information). You do not indicate that the records at issue here relate to charges for which the juvenile was transferred under section 54.02 of the Family Code to a criminal court for prosecution, or that article 15.27 of the Code of Criminal Procedure applies. Moreover, it does not appear that any of the exceptions to former section 51.14(d) apply to the requestor. *See* Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852 (repealed 1995) (formerly Fam. Code § 51.14(d)(1), (2), (3)). Accordingly, we conclude that you must withhold the juvenile records under section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 119020

Enclosures: Submitted documents

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(w/o enclosures)